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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
PATTERSON, MARC A	

ART UNIT	PAPER NUMBER
1772	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/644,435	TAN, DANIEL BRIAN	
	Examiner	Art Unit	
	Marc A. Patterson	1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-42 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-42 is/are rejected.

7)☒ Claim(s) 1-42 is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 8/19/03.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1 – 42 are objected to because of the following informalities: The meaning of the phrases 'high molecular weight' and 'medium molecular weight'. Appropriate correction is required. For purposes of examination, the claims will be interpreted to be directed to 52 – 68 wt % high density polyethylene.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 4 – 23 and 26 – 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S. Patent No. 6,435,350) in view of Williams (U.S. Patent No. 5,078,677).

With regard to Claim 1, 7 – 8 and 29 – 30, Huang et al disclose a self – opening bag stack (bag pack; column 7, lines 32 – 33) comprising a plurality of stacked bags (column 11, lines 40 – 44) which is a film bag (column 17, line 46); the bags are frangibly bonded (column 7, lines 53 – 55), and are therefore releasably adhered in substantial registration (column 5, lines 35 – 38); each of the bags include front and rear film walls (column 7, lines 38 – 40) having first and second side edges, a top edge and a bottom edge (column 7, lines 40 – 44), the front and rear walls integrally joined at the first and second side edges (joined together by pleated side walls; column 7, lines 40 –

44) and secured together at their bottom edges (by sealing; column 7, lines 40 – 44) and defining an open mouth portion adjacent the top edges (column 7, lines 38 – 40); the entire outer surface of the bag is corona treated (column 2, lines 5 – 9); the bag comprises plastic (column 12, line 53); Huang et al fail to disclose a bag comprising 52 – 68 wt.% high density polyethylene and 20 – 30 wt. % linear low density polyethylene.

Williams teaches a bag (column 3, lines 30 – 32) comprising 52 – 68 wt.% high density polyethylene and 20 – 30 wt. % linear low density polyethylene (column 6, lines 12 – 20) for the purpose of obtaining a bag which is produced without stress relief notches (column 3, lines 28). One of ordinary skill in the art would therefore have recognized the advantage of providing for the composition of Williams in Huang et al, which comprises a bag, depending on the desired production of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for a bag comprising 52 – 68 wt.% high density polyethylene and 20 – 30 wt. % linear low density polyethylene in Huang et al in order to obtain a bag which is produced without stress relief notches as taught by Williams.

With regard to Claims 4 and 26, the bags disclosed by Huang et al are recyclable (column 1, lines 35 – 40) Huang et al fail to disclose bags that comprise 10 – 20 wt % recycled material; however, Huang et al disclose bags that are recyclable or disposable by incineration (column 1, lines 35 – 40) and therefore disclose the selection of the amount of recycled material depending on the desired amount of necessary incineration. Therefore, one of ordinary skill in the art would have recognized the utility of varying the amount of recycled material to obtain the desired amount of incineration. Therefore, the

amount of incineration would be readily determined by through routine optimization of the amount of recycled material by one having ordinary skill in the art depending on the desired use of the end product as taught by Huang et al.

It therefore would be obvious for one of ordinary skill in the art to vary the amount of recycled material in order to obtain the desired amount of incineration, since the amount of incineration would be readily determined through routine optimization by one having ordinary skill in the art depending on the desired end result as shown by Huang et al.

With regard to Claims 5 and 27, the linear low density polyethylene taught by Williams has a density of 0.930 or less (column 6, lines 60 – 62); Williams therefore teaches a linear low density polyethylene in which 10 – 15 wt. % has a density ranging from 0.923 – 0.924 gm/cc.

With regard to Claims 6 and 28, the linear low density polyethylene taught by Williams has a melt index of 0.930 or less (column 7, line 3); Williams therefore teaches a linear low density polyethylene in which 10 – 15 wt. % has a melt index ranging from 0.25 – 0.30 gm/10 minutes.

With regard to Claims 9, 15, 18, 31, 35 and 38, the stack taught by Huang et al comprises a cold staking area piercing and extending transversely through the bag stack for maintaining the bags in the bag stack in substantial registration (cold pin bonding; column 14, line 34).

With regard to Claims 10, 16, 19, 32, 36 and 39, the stack taught by Huang et al comprises a hot melt pin area piercing and extending transversely through the bag stack

for maintaining the bags in the bag stack in substantial registration (hot pin welds; column 15, lines 33 – 35).

With regard to Claims 11 and 33, each of the bags disclosed by Huang et al includes longitudinally oriented side gussets (pleated side walls; column 7, lines 39 – 40).

With regard to Claims 12, 14, 34 and 37, Huang et al disclose a dispensing rack having horizontal arms (projections; column 10, line 29 – 31; Figure 10), and a pin area piercing as stated above; Huang et al therefore disclose first and second opening penetrating and extending transversely through the bag stack in an upper portion of the bags and spaced downwardly from the top edge, spaced inwardly from the first and second side edges and serving to support the bag stack on horizontal arms of a dispensing rack.

With regard to Claim 13, the bags disclosed by Huang et al comprise an upper seam sealing the front wall to the rear wall to the respective top edges (column 2, lines 13 – 15) and a U – shaped cut – out disposed in an upper portion of the bag and commencing at a first point along the upper seam spaced inwardly from the first side edge and extending to a second point along the upper seam inwardly from the second side edge, the cut – out extending downwardly toward the bottom edges, thereby forming an open mouth portion and a pair of bag handles (column 7, lines 30 – 46; Figure 1).

With regard to Claims 17, the bag disclosed by Huang et al comprises a central tab portion connected to the open mouth portion of the bags in the bag stack (column 7, lines 46 – 48) and an aperture extending transversely through the bag stack within the central tab portion for suspending the bag stack from a dispensing member (suspension aperture (column 14, lines 43 – 45).

With regard to Claims 20 – 21 and 40 – 41, the central tab portion of each bag disclosed by Huang et al is detachably connected to said open mouth portion of the bags (a tab aperture, the bags being held together by frangible bond; the central tab portion of each bag therefore includes a frangible section, the frangible section extending from the aperture to an outer edge of the central tab portion and the frangible portion rupturing upon removal of the bag from the dispensing member).

With regard to Claims 22 and 42, the entire outer surface of the bag disclosed by Huang et al is corona treated, as stated above, and therefore has a surface tension on the corona treated surface of at least 38 dynes.

With regard to Claim 23, the bag disclosed by Huang et al is a t – shirt type bag (column 7, lines 40 – 41) and has laterally spaced upwardly extending bag handles, an open mouth portion between the handles and central support tab portion extending upwardly from the open mouth portion (column 7, lines 45 – 48; Figure 1).

4. Claims 2 – 3 and 24 – 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Huang et al (U.S. Patent No. 6,435,350) in view of Williams (U.S. Patent No. 5,078,677) and further in view of Mawson et al (U.S. Patent Publication No. 2002/0107342).

Huang et al and Williams discloses a bag as discussed above. With regard to Claims 2 – 3 and 24 – 25, Huang et al and Williams fail to disclose a bag comprising 0.5 wt. % slip and antiblock compound and 1 – 3 wt. % calcium carbonate.

Mawson et al teach a bag (paragraph 390) comprising 0.5 wt. % slip and antiblock compound and 1 – 3 wt. % calcium carbonate (paragraph 394) for the purpose of

obtaining a bag for heavy duty use (paragraph 390). One of ordinary skill in the art would therefore have recognized the advantage of providing for the slip and antiblock compound and calcium carbonate of Mawson et al in Huang et al and Williams, which comprises a bag, depending on the desired use of the end product.

It therefore would have been obvious for one of ordinary skill in the art at the time Applicant's invention was made to have provided for 0.5 wt. % slip and antiblock compound and 1 – 3 wt. % calcium carbonate in Huang et al and Williams in order to obtain a bag for heavy duty use as taught by Mawson et al.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Marc Patterson 5/10/06

Marc A. Patterson, PhD.
Primary Examiner
Art Unit 1772